

## **Remarks**

### **A. Introduction**

Claims 95-116 were pending in the application prior to entry of the preceding amendments, and *claims 95-111, 113, and 115-116 are pending now*. The Examiner finally rejected the previously-pending claims under 35 U.S.C. § 102(b) or 103(a), citing U.S. Patent No. 4,409,453 to Smith considered either alone (as to claims 95-109) or together with U.S. Patent No. 5,166,487 to Hurley, *et al.* (as to claims 110-116). Without conceding the correctness of the Examiner's rejections, Applicants have revised the independent claims to include (1) features similar to certain features of claim 1 of co-pending U.S. Patent Application Serial No. 10/614,268 and (2) the subject matter of previously-pending claim 112 (relating to directing heated gas "at a downward angles of less than 90 degrees from horizontal").

### **B. Section 102(b)/103(a) Rejections**

Applicants believe the Smith patent neither teaches nor suggests multiple aspects of the claimed invention. As one of many examples, clear is that the oven of the Smith patent directs gas from the top wall (and bottom wall) of the cavity rather than from the left and right sides. This operation is exactly the *opposite* of what is recited in the independent claims. Nor does the Smith patent contemplate directing gas from the sides of the cavity, as doing so would disrupt the required uniformity of the sweeping action of the jets across the upper surface of the food product--which is the "primary" object of the invention of the Smith patent. *See* Smith, col. 9, ll. 21-24; col. 4, ll. 17-20; *see also id.*, col. 3, ll. 39-45; col. 4, ll. 11-16 and 44-51; col. 9, ll. 39-44; col. 10, ll. 49-51; col. 11, ll. 14-17.

Moreover, neither the Smith patent nor the Hurley patent contemplates directing heated gas at a downward angle of less than ninety degrees from horizontal toward a top surface of a food product in an oven cavity. Rather, the Smith patent details (impingement) air directed downwardly at an angle of ninety degrees (*i.e.* vertically), while the Hurley patent illustrates heated air directed horizontally through slots 42. Neither design is as efficient as Applicants' design, in which heated air is directed from opposite side of the oven cavity at downward angles of less than ninety degrees so that the gas steams turbulently collide with one another adjacent the top surface of the food product. For at least these multiple reasons, Applicants request that the Examiner's rejections be withdrawn.

### **Conclusion**

Applicants request that the Examiner allow claims 95-111, 113, and 115-116 and that a patent containing these claims issue in due course.

Respectfully submitted,



Dean W. Russell  
Reg. No. 33,452  
Attorney for the Assignee

OF COUNSEL:

Kilpatrick Stockton LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
(404) 815-6528